

**CHIROPRACTIC EXAMINING BOARD  
MADISON, WI  
MINUTES  
October 16, 2003**

**PRESENT:** Steven Conway, Susan Feith, Char Glocke, James Rosemeyer,  
James Weber and Jeffery Wilder

**STAFF PRESENT:** Patty Hoeft, Division Administrator; Jacquelynn Rothstein;  
Legal Counsel, Pamela Meicher, Program Assistant, and Division of  
Enforcement and other staff

**GUESTS:** Ron Hermes, WPTA; Rachel Schraufnagel, WCA;  
Sherry L. Walker, WCA; Eileen Isom, and Jeff Lync

**CALL TO ORDER**

James Rosemeyer, Chair, called the meeting to order. A quorum of 6 members was present.

**AGENDA**

**Additions to the Agenda:**  
Unknown.

**APPROVAL OF MINUTES OF SEPTEMBER 18, 2003**

**Amendments to the Minutes:**  
Unknown.

**APPROVAL OF MINUTES OF SEPTEMBER 29, 2003  
TELECONFERENCE**

**Amendments to the Minutes:**  
Unknown.

**APPROVAL OF MINUTES OF OCTOBER 13, 2003  
TELECONFERENCE**

**Amendments to the Minutes:**

Unknown.

**ADMINISTRATIVE REPORT**

Patty Hoeft, Division Administrator of Board Services provided an update to the Board regarding additional ways the Department is looking at to deal with the budget. Ms. Hoeft will distributed the list of 2004 meeting dates later today when the Board gets to this item on the agenda. There will be a reduction in the number of Board meetings for the upcoming year across the agency. Ms. Hoeft shared that the Department has started the remodeling of the building and should be completed in the near future. The Department and Dr. Nania will keep the Board abreast of any future changes.

**PRESENTATION OF PROPOSED STIPULATIONS**

There was one proposed stipulation to be presented before the Board regarding John P. Murphy.

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE  
SIGNED AFTER MAILING OF AGENDA**

No additional stipulations were presented.

**REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES AND PRESS RELEASES  
JACQUELYNN ROTHSTEIN, LEGAL COUNSEL**

Jacquelynn Rothstein, Legal Counsel reviewed the report on pending court cases, disciplinary cases, administrative rules and press releases with the Board at today's meeting. An issue arose regarding Harold J. Dykema who had a Circuit Court Decision from Eau Claire and will be addressed later in this meeting.

**INSTRUCTOR QUALIFICATIONS FOR TEACHING CONTINUING  
EDUCATION**

Patty Hoeft, Division Administrator, not sure but she thinks that Jacquelynn Rothstein is going to create language for this area.

**DISCUSSION REGARDING TITLE PROTECTION AND  
TITLE PROTECTION FOR “CHIROPRACTIC” AND  
“ADJUSTMENT” TERMINOLOGY  
JACQUELYNN ROTHSTEIN**

Patty Hoeft, Division Administrator, believes that Jacquelynn Rothstein has to check 448.522 to see what this states.

**REVISED CONTINUING EDUCATION COURSE APPROVAL  
APPLICATION SUBMITTED FOR APPROVAL AND/OR  
SUGGESTIONS**

Patty Hoeft, Division Administrator, believes that some suggestions were made but does not have any notes of what they may have been.

**CREDENTIALING QUESTION PERTAINING TO WHETHER THERE IS  
A TIME LIMIT ON BOARD APPROVAL FOR JURISPRUDENCE  
EXAM**

The Board discussed the credentialing question from Julie Reimann, pertaining to whether there is a time limit for approval of the jurisprudence exam by the Board. The Board requested Chair, James Rosemeyer to review his application materials and meet with Ms. Reimann on what to do and prepare this for the November Board meeting and to have it placed on the agenda for the Board's consideration.

**CHIROPRACTIC DEFINITION REPORT FROM  
DR. ROSEMEYER AND DR. CONWAY**

There was nothing to report at this time.

**EXAM CANDIDATES**

There was a break taken at this time while James Rosemeyer left the meeting briefly to talk with the exam candidates.

## **PRECEPTOR APPROVAL**

There was one preceptor before the Board for approval regarding Daniel D. Lyons. No motion available.

## **PRECEPTOR APPROVAL FOR REQUESTS RECEIVED ATER THE PRINTING OF THE AGENDA**

None.

## **PROCESS FOR FUTURE APPROVAL OF REPRESENTATIVE(S) AT MEETINGS AND HEARINGS**

The Board discussed the a situation that occurred when the Board chose a member to represent the Board at a specific hearing and when other hearings related to this issue came up the Board needed to hold an emergency teleconference to have another motion made to approve the same individual to attend that hearing. Patty Hoeft, Division Administrator of Board Services indicated to the Board that there might be rule, which would allow this. Ms. Hoeft requested that Jacquelynn Rothstein, Kimberly Nania, and herself would investigate this possibility and provide options available to the Board at the November Board meeting.

## **LIST OF BOARD POLICIES**

The Board reviewed their current list of Board policies. The Board had requested John Schweitzer, Legal Counsel, to keep a list of Board policies and he has done so. The Board asked how and who will look at and keep these policies up-to-date now? After much discussion, the Board requested that their new attorney, Jacquelynn Rothstein, check with the previous Board's attorney, John Schweitzer, on the status of these policies and if they are up-to-date and report to the Board at the November meeting.

## **PUBLIC HEARING 03-082 NUMEROUS MINOR CHANGES TO EXISTING RULES REGULATION THE PRACTICE OF CHIROPRACTIC**

A public hearing was held today regarding the minor changes to the rules regulating the practice of Chiropractic.

## **STATUS AND UPDATE OF WCA PROPOSED LEGISLATION**

James Rosemeyer, Chair attended the Senate Health Committee Hearing and Steven Conway and he spoke at the hearing. There were several other individuals who spoke and it appeared to be spilt about 50/50. At this time, it appears they are considering holding a meeting with interested parties to work out specific language and then Senator Roesler will bring this legislation back for

consideration of changes and once accepted then will be moved through the hearing and legislative processes. The Board asked whether a board member could speak at a hearing if they are representing only their own opinion and not the opinion of the Board as long as they clearly identify themselves as their own representative? Jacquelynn Rothstein, Legal Counsel and Patty Hoeft, Division Administrator of Board Services, stated that an individual could do so without a conflict of interest and Ms. Hoeft will provide a copy of the guidelines to handle this to the Board members. The Board requested to keep abreast of this legislation and report the status of the WCA legislation to the Board at all future meetings.

## **DISCUSSION OF RULES BY DR. CONWAY AND LEGAL COUNSEL**

Noted.

## **UPDATE REGARDING RULES FORWARDED TO THE CLEARINGHOUSE - JACQUELYNN ROTHSTEIN**

Jacquelynn Rothstein, Legal Counsel discussed the emergency rule with the Board and she informed the Board that they will need to act on these rules before the identified expiration date. Attorney Rothstein will provide Board members with copies of comments from today's hearing for their review. The Board requested this topic to be added to the November meeting agenda, for members to review the comments, and to have legal counsel prepare suggested changes to the emergency rules for the Board to take necessary action on at that time.

## **DEVELOPING STANDARDS FOR APPROVAL OF TRAINING PROGRAMS RELATING TO DELEGATION OF UNLICENSED PERSONS**

Dr. James Weber presented information surrounding this issue to the Board and proposed that the standards for these training programs be the same standards as those required for Doctor's of Chiropractic (DC) with the exception of adding technical colleges who are teaching CT courses at that time. Also the rules involving being the extension of the faculty or a faculty member that would be something that would be required for the CT's as well. Courses and instructors should be provided by Board approved schools/colleges. Steven Conway, did not participate in this discussion. Patty Hoeft, Division Administrator of Board Services and Jacquelynn Rothstein, Legal Counsel, suggested that this should be placed in the rules.

**MOTION:** Susan Feith moved, seconded by Char Glocke, to request Jacquelynn Rothstein, Legal Counsel to draft a scope statement with regard to this issue for the Board to address at their next meeting. Steven Conway – Abstained. Motion carried.

**DISCUSSION AND INFORMATION REGARDING COLD LASERS  
EDUCATION – STEVEN CONWAY**

Steven Conway had no updates regarding this topic. This topic will remain on the agenda for the next meeting.

**DISCUSSION REGARDING PACE  
(PROVIDERS OF APPROVED CONTINUING EDUCATION)  
JAMES ROSEMEYER**

Dr. Rosemeyer had no updates regarding this topic. This topic will remain on the agenda for the next meeting.

**CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL**

Jacquelynn Rothstein, Legal Counsel, informed the Board there were no correspondence or inquiries to present to the Board at this time.

**CONSULT WITH LEGAL COUNSEL**

The Board consulted with Jacquelynn Rothstein, Legal Counsel as needed through out the meeting.

**INFORMATIONAL ITEMS**

Noted.

**VISITOR COMMENTS**

Noted.

**CLOSED SESSION**

**MOTION:** Steven Conway moved, seconded by James Weber, to adjourn to closed session pursuant to Wisconsin state statutes 19.85(1)(a)(b)(f) and (g) to consult with Legal Counsel regarding the Suit by WCA, deliberate on proposed stipulations, deliberate on proposed administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Motion carried by roll call vote: Steven Conway-yes; Susan Feith-yes; Char Glocke-yes; James Rosemeyer-yes; James Weber-yes, and Jeffery Wilder-yes.

Open Session recessed at 11:05 a.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING  
CLOSED SESSION**

**MOTION:** James Weber moved, seconded by Susan Feith, to reconvene into Open Session at 12:57 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED  
SESSION**

**CONSULTING WITH LEGAL COUNSEL REGARDING THE SUIT BY  
WCA AGAINST THE EXAMINING BOARD**

The Board inquired whether there were any updates regarding the suit by the WCA against the Chiropractic Examining Board. Jacquelynn Rothstein, Legal counsel will continue to keep the Board abreast of the status of this case.

**DELIBERATION OF PROPOSED STIPULATIONS**

**JOHN P. MURPHY, D.C.**

**MOTION:** James Weber moved, and seconded by Steven Conway, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of John P. Murphy, D.C. Char Glocke did not participate in the deliberation and abstained from voting. Motion carried.

**APPEARANCE REQUESTING REINSTATEMENT  
OR FULL LICENSURE**

**RICHARD GOLDE**

**MOTION:** Steven Conway moved, and seconded by Susan Feith, to deny Richard Golde's request for reinstatement or full licensure. Motion carried unanimously.

## **POSSIBLE BOARD VIOLATION**

**HAROLD DYKEMA**

**\*\*\*The Board directed DOE to hold until remand is being handled by the ALJ. \*\*\***

## **ENDORSEMENT APPLICATION REVIEW**

**DAVID STUDE**

**MOTION:** Steven Conway moved, and seconded by Susan Feith, to approve the application by endorsement for David Stude. Motion carried unanimously.

## **DIVISION OF ENFORCEMENT – CASE STATUS REPORT**

There were no case closing before the Board at this time.

## **OTHER BOARD BUSINESS**

### **DISCUSSION REGARDING NEW BOARD MEMBER**

The Board discussed the status for the new Board member with Patty Hoeft, Division Administrator of Board Services. Ms. Hoeft informed the Board that Dr. Jeffery Wilder as been appointed to the Board and he can choose to vote or just observe at this time, whatever he prefers.

### **COMMENTS FROM TODAYS PUBLIC HEARING**

Patty Hoeft, Division Administrator of Board Services gave the written comments from today's public hearing to Joel Garb. Mr. Garb will send copies of these comments to all Board members for review.

### **QUESTION FROM JULIE REIMANN OF CREDENTIALING REGARDING DR. TIMOTHY BORTZ AND PALMER COLLEGE COURSE SYLLABI**

The Board discussed with Julie Reimann in detail regarding Dr. Timothy Bortz and the syllabi for courses Dr. Bortz took at Palmer College. The Board requested Julie Reimann to prepare a letter and send to Palmer College requesting them to submit information regarding whether the courses identified, Physiotherapy I & II Courses, contain either Galvanic and Ultra Sound therapy.



## 2004 BOARD MEETING DATES

Donsia Strong Hill, DRL Secretary shared with the Board that due to budget constraints and she is trying to look at what the priorities are. One way is to look reducing the number of Board meetings for the upcoming year to six or seven meetings. A request to the Legislative Audit Committee is conduction an audit of the former fee study and look at the increasing licensure fees. Code books will be available on line to cut printing costs and can be downloaded or purchased from the Department. The Department's printing cost are very large and further review and looking at other options to cut these costs will be explored.

Patty Hoeft, Division Administrator of Board Services, informed the Board that we are looking at the process of submitting agenda items. Items should not go on the meeting agenda unless there is adequate material for members to review and will be able to take action at that meeting. Bureau Directors will be doing more research on topics as well as board members to achieve this task.

Patty Hoeft, Division Administrator of Board Services distributed the list of 2004 meeting dates to the Board at today's meeting. Ms. Hoeft shared that many of the Boards will be asked fro reductions as well. Ms. Hoeft shared that Kimberly Nania and Gina York have approximately fifteen Boards and many meet once per month. Ms. Hoeft shared the time lines involved in preparing Board meetings such as action lists, minutes, and agenda packet preparation and due to this heavy workload, though deadlines have been met by Gina and Kim, they are constantly scrambling due to these tight time frames and having so many meetings. The Board reviewed the 2004 meeting dates and took the following action.

**MOTION:** Susan Feith moved, seconded by James Weber, to adopt the 2004 meeting dates provided to the Board on 10/16/03. Motion carried unanimously.

## ADJOURNMENT

**MOTION:** Susan Feith moved, seconded by Char Glocke, to adjourn the meeting at 1:22 p.m. Motion carried unanimously.

**Next Meeting:**  
*Thursday,*  
*November 13, 2003*  
*8:00 a.m.*